

Remarks

I. Status of the Claims

Claims 1 and 4-35 are pending. Claims 2 and 3 have been cancelled. Claim 23 is amended herein. Claim 23 has been amended only to make it independent. The limitations of claim 1, from which claim 23 depends, have been incorporated into claim 23 verbatim. No new matter is added, and the amendment is supported by the original specification and claims, and particularly in the final paragraph on page 3 of the original PCT publication of the application. Reconsideration and allowance of the claims are requested.

II. Claim Rejections - 35 U.S.C. §§ 102 & 103

Claims 1, 4-11, 19-29, 32, and 34-35 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by International Patent Application Publication No. WO02/057772, to Moreton (the "'772 publication"). Claims 1 and 4-35 stand rejected under 35 U.S.C. § 103 as allegedly obvious over the '772 publication. Applicant respectfully disagrees with both rejections.

Applicant hereby incorporates by reference those arguments made in the March 1, 2010, Response After Final Rejection in this application. Because the arguments have already been passed upon by the Examiner and are awaiting appeal, they will not be repeated here; however, they are not waived, and Applicant will maintain them in the appeal.

Additionally, Applicant notes that newly independent claim 23 is separately patentable at least because it requires that the indicating desiccant comprise a source of iron selected from a specific list of salts and, separately, it requires a source of bromide. Because the source of iron is limited to the specific list of salts, none of which include a bromide, the source of iron and the source of bromide must be different.

Iron halides are prone to degradation caused by hydrolysis upon heating. The indicating desiccant of this claim allows regeneration by heating to remove water. This is explained in the application as filed; for instance on page 6 it is explained that the color change is reversible when the desiccant is dried and the desiccant can be regenerated at least once and often many time for further use.

The '772 publication is only concerned with a silica-based material having impregnated thereon a source of copper and a source of bromide in a method for preparing an indicating desiccant. There is no indication in this citation of the use of a source of iron as the basis for an indicator system in combination with a salt which is a source of bromide. The '772 publication neither teaches nor suggests all of the limitations of claim 23.

As set out in the introduction to the present application, an aim of the application is to provide indicators which function at low relative humidity in a desiccant of silica and which are not toxic. Starting from copper salts as the indicator system, such as set out in the '772 publication, would not be considered as a sensible starting point by one skilled in the art. There would be no reason to refer to or incorporate the teachings of the '772 publication.

Nothing in the '772 publication teaches or suggests the beneficial effect of using a source of bromide separate from the source of iron. The chemical environment within a silica gel will have a considerable effect upon the indicating behavior of salts incorporated within it. A salt which is taught as a background color dye for inclusion in included in one indicator system is *not* taught as having the ability to act as an indicator system which has suitable low relative humidity-indicating behavior in the chemical environment of a silica gel. Predicting the behavior of indicating salts within a silica gel is by no means straightforward. One skilled in the art would not have found anything in the '772 publication that teaches or suggests the beneficial

effect that addition of a source of bromide to an iron system would have in creating a desirable composition.

Absent reference to the instant application, one skilled in the art who was attempting to identify an indicator system which would function in the chemical environment of a silica gel and which provides a desiccant which can be regenerated by heating would have no reason to combine a source of iron (acting as the primary indicator) modified by the inclusion of a soluble source of bromide. Claim 23 reflects the discovery by the inventors that a soluble salt acting as a source of bromide can be used to modify the relative humidity range at which iron indicators function, so that they can be used as an indicator system in a regenerated silica gel desiccant. Claim 23 is separately patentable.

Applicant also wishes to highlight the separate patentability of claim 22, which claims "A desiccant as claimed in claim 1 in which the source of iron is an iron (III) salt or salts." On September 1, 2009, Applicant submitted the Declaration of Stephen Moreton, Ph.D. (the inventor) for the consideration of the Examiner. Attention is drawn to Tables 1, 3, 4, and 5. All of those Tables include results from test that used iron (III) salts, and all three of them provide exceptional color changes below RH 20%.

This color change is unexpected, described by Dr. Moreton as a "major improvement" or "marked increase" in the color change provided by the iron (III) desiccant when combined with a source of bromine at low relative humidity when compared with a control that does not include bromine. This evidence rebuts any prima facie case of obviousness (assuming one exists, which Applicant does not admit) over the '772 publication, and provides a separate basis for patentability of claim 22.

III. Conclusion

All of the pending rejections have been overcome, accommodated, or rendered moot. Entry of the amended claims, withdrawal of the rejections as well as reconsideration and allowance of all of the pending claims are requested. If the Examiner believes that a telephone call might resolve any outstanding issues in this application, he is encouraged to call the undersigned at the number below.

Respectfully submitted,

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/ Duane A. Stewart III /

Duane A. Stewart III

Registration No. 54,468

BUCHANAN INGERSOLL & ROONEY PC

20th Floor, One Oxford Centre

301 Grant Street

Pittsburgh, Pennsylvania 15219-1410

Phone: 412-562-1622

Fax: 412-562-1041

e-mail: duane.stewart@bipc.com

Attorneys for Applicant(s)